

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Appeal Nos.833, 861, 862, 863 & 864 of 2016

Date: 22.09.2016

WA.No.833/16

Between:

The Samavesham of Telugu Baptist Church(STBC)
College, Kurnool, rep. by its Correspondent
Rev. RRD Sanjeeva Raju and another

..Appellants

and

The State of Andhra Pradesh
rep. by its Prl.Secretary
Higher Education Dept., Hyderabad and 3 others

..Respondents

Counsel for the Appellants: Mr.KG.Krishna Murthy, Senior Counsel

Counsel for respondent Nos.1 to 3: AGP for Higher Education

Counsel for respondent No.4: Mr.Vedula Srinivas

The Court made the following:

Common Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

These Writ Appeals arise out of Common Order, dated 27.07.2016, in WP.Nos.31437 of 2014, 1403 of 2015, 1258, 10211 and 16781 of 2016.

For disposal of this batch of Writ Appeals, detailed reasons need not be recorded. For convenience, the parties shall be referred to as they are arrayed in WA.No.833 of 2016. It will suffice to note that in terms of G.O.Ms.No.1 Minorities Welfare (M&R) Department, dated 16-01-2004, the status of appellant No.1- College has not been specifically recognised. The said issue has become relevant in order to decide the claim of respondent No.4 that being senior to appellant No.2, he is entitled to be appointed as the Principal of STBC College, Kurnool. This plea of respondent No.4 is countered by the appellants by claiming that since appellant No.1 is a minority institution, the management has the right to appoint any person of its choice as the Principal ignoring the seniority and that therefore, they have rightly chosen appellant No.2 as the Principal (FAC). In the context of this issue, the learned Single Judge, while disposing of all the Writ Petitions, gave the following directions:

“(i) The status of petitioner No.1 College i.e., S.T.B.C. College in the light of earlier orders prior to issuance of G.O.Ms.No.1 dated 16-01-2004, and the status of said college after issuance of G.O.Ms.No.1 dated 16-01-2004.

(ii) The parties are at liberty to file necessary documents with written submissions in support of their case before the Commissioner for deciding the status of S.T.B.C. College.

(iii) If the Commissioner comes to the conclusion that the S.T.B.C. College enjoys the minority status, no interference shall be made by the official respondents with regard to internal affairs of the management of the college.

(iv) If the Commissioner comes to the conclusion that the S.T.B.C. College does not enjoy the minority status, it is open to the Commissioner to consider the case of *inter se* seniority of petitioner No.2 in W.P.No.1258/2016 i.e., Dr.P.Helen Manorama and respondent No.4 therein i.e., S.Sree Hari and pass appropriate orders appointing one of them as a Principal of the College.”

The submissions advanced by Mr.KG.Krishna Murthy, learned Senior Counsel for the appellants, are two-fold: *Firstly*, that the Principal Secretary, Minority Welfare Department, State of Andhra Pradesh, being the authority vested with the power of granting recognition to the educational institutions as minority institutions and respondent No.2- Commissioner of Collegiate Education being only an implementing authority, the learned

Single Judge ought not to have directed him to decide the dispute; *Secondly*, that for the last six months, salaries are not being paid to the staff of appellant No.1 only on the ground that respondent No.4 being a senior to appellant No.2 is not being allowed to process the bills.

We have heard Mr.Vedula Srinivas, learned Counsel, and also Mr.M.Ratna Reddy, learned Counsel, who appeared for respondent No.4 in different Writ Appeals. They have fairly conceded that as the Principal Secretary, Minority Welfare Department of the State of Andhra Pradesh is the competent authority to recognise the educational institutions as minority institutions, they have no objection for the said respondent to decide this issue.

As regards the second mentioned grievance of the appellants, they have not expressed any specific objection for payment of salaries, provided, the bills are sent through proper channel.

In the light of the above discussion, we are of the opinion that it would be appropriate if the Principal Secretary, Minority Welfare Department of the State of Andhra Pradesh decides the issue as to whether appellant No.1 is a minority institution or not with reference to the A.P.Education Act, 1982, and the extant

Government orders issued from time to time. Before taking such a decision, it shall issue notices to the appellants as well as respondent No.4 and receive all the material that may be produced by them. The Principal Secretary shall also afford an opportunity of personal hearing to both parties and communicate his decision within three months from the date of receipt of this order.

With regard to payment of the salaries, we cannot appreciate the action of respondent Nos.2 and 3 in withholding the same merely because the bills have not been processed by a proper person holding the position of Principal. In view of the serious dispute with regard to the office of the Principal between appellant No.2 and respondent No.4, the correspondent of appellant No.1 is permitted to send bills to the authority concerned.

The learned Counsel for the appellants have informed the Court that as per the established procedure, the bills are sent to the KVR Government Degree College for Women, Kurnool, which, in turn, will forward the same to the District Treasury Office, Kurnool, and that the District Treasury Office, Kurnool, will, in turn, send the cheques to appellant No.1.

The correspondent of appellant No.1 is permitted to send the bills by following the aforesaid process. Within two weeks of receipt of such bills, the District Treasury Office, Kurnool, shall remit the same to appellant No.1- College for disbursement among its entire staff. The District Treasury Office, Kurnool, shall continue this process till a decision is taken by the Principal Secretary, Minority Welfare Department of the State of Andhra Pradesh.

Subject to the above directions, the Writ Appeals are disposed of.

As a sequel to disposal of the Writ Appeals, interim orders, granted if any, are vacated and the Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 22nd September, 2016

Note: Registry shall forthwith communicate copies of this order to

- (1) The Principal Secretary, Minorities Welfare Department
State of Andhra Pradesh.
- (2) KVR Government Degree College for Women, Kurnool.
- (3) The District Treasury Office, Kurnool.

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